

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed Without Notice**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 52, "Payment," Iowa Administrative Code.

These amendments make the annual change to the State Supplementary Assistance personal needs allowance for persons living in a family life home or a residential care facility. Each year, an amount is calculated to represent the cost of Medicaid copayments for persons in these facilities. The Department is not allowed to exempt these persons from copayments, because they are not living in medical institutions.

The average copayment per client per month for persons in these living arrangements was \$4.83 for the period from August 2008 through July 2009. This is a decrease of \$1.20 from the previous year's average of \$6.03. Therefore, these amendments decrease the personal needs allowance for those living arrangements by \$1 per month, decreased from \$94 (\$87.78 for personal expenses plus \$6.03 average Medicaid copayment expense, rounded up) to \$93 (\$87.78 plus \$4.83 average Medicaid copayment expense equals \$92.61, rounded up). As a result, residents of these living arrangements will contribute \$1 per month more toward their cost of care.

Normally, the income limits and personal needs allowances are increased annually by the percentage of the Social Security cost-of-living increase, but this year that figure was 0 percent.

These amendments do not provide for waivers in specified situations because the personal needs allowance should be the same for every recipient as a matter of fairness. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on December 9, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation on these amendments are unnecessary because these amendments merely implement the standard methodology for annually determining the personal needs amount allowed for Medicaid copayments.

These amendments are intended to implement Iowa Code chapter 249.

These amendments shall become effective on March 1, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 52.1(1) as follows:

52.1(1) *Protective living arrangement.* The following assistance standards have been established for state supplementary assistance for persons living in a family life home certified under rules in 441—Chapter 111.

\$742 <u>\$743</u>	Care allowance
\$94 <u>\$93</u>	Personal allowance
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\$836	Total

ITEM 2. Amend subparagraph **52.1(3)"a"(2)** as follows:

(2) An allowance of ~~\$94~~ \$93 to meet personal expenses and Medicaid copayment expenses.

ITEM 3. Amend rule **441—52.1(249)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 249 as amended by 2004 Iowa Acts, House File 2134, sections 4 and 5.

[Filed Without Notice 12/11/09, effective 3/1/10]

[Published 1/13/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/13/10.